IN THE HIGH COURT OF HIMACHAL PRADESH,
SHIMLA.

CWP No. 463 of 2006.

Date of Decision: September 1, 2006.

Ritesh Makkar and others .....Petitioners.

Versus

State of H.P. and others .....Respondents.

Coram

The Hon'ble Mr. Justice V.K. Gupta, Chief Justice.
The Hon'ble Mr. Justice Surjit Singh , Judge.

Whether approved for reporting?[1]

For the Petitioners: Mr. Ajay Sharma, Advocate.

For the Respondents: Mr. M.S. Chandel, Advocate General with Mr. J.K. Verma, Dy. Advocate General for respondents No. 1

Mr. Arup Rattan, Advocate for respondent No.2.

Mr. Navlesh Verma, Advocate for respondent No.3.

V.K. Gupta, C. J. (Oral):

In this petition the petitioners have challenged the legality and validity of the notice/ communications issued to them on behalf of respondent No.3 which require the petitioners to obtain licences under the provisions of the H.P. Agricultural Produce Markets Act, 1969 (for short: 1969 Act). Admittedly the 1969 Act now stands repealed. Agricultural and Horticultural Produce Marketing (Development and

[1] Whether Reporters of Local Papers may be allowed to see the judgment?

Regulation) Act, 2005 (for short: 2005 Act) is the law presently in existence which may or may not be connected with the subject matter of this petition. Because of the repeal of the 1969 Act the notice/ communications issued by respondent No.3 for obtaining licences for future have now become infructuous. That being the position and in this petition that alone being the issue involved and raised for our consideration, we dispose of this petition as having become infructuous but with liberty to the respondents to initiate action against the petitioners under the above mentioned 2005 Act, if so advised and if the provisions of the aforesaid 2005 Act are indeed applicable qua the petitioners and the subject matter of this petition.

This order however, shall not in any manner affect, prejudicially or otherwise the right of the respondents to proceed against the petitioners under the 1969 Act for any past liability if in the opinion of the respondents any such past liability qua the petitioners actually existed.

All questions, points and issues raised and urged in this petition, not having been touched upon, dealt with or gone into by us are left open for any future litigation which may come to this Court if the petitioners feel aggrieved of any action initiated against them by the respondents, either under the repealed 1969 Act or under the 2005 Act.

CMPs No. 738 & 739 of 2006.

In view of the order passed in the main matter, both these applications shall stand disposed of.

(V.K. Gupta), C.J.

September 1, 2006. **(Surjit Singh), J.**
(rks)